

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GLENN NICKERSON, JR.,

Defendant.

8:08CR18

ORDER

Defendant Glenn Nickerson, Jr., (Nickerson) appeared before the court on July 5, 2011, on the Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 74), as amended (Filing No. 78). Nickerson was represented by Assistant Federal Public Defender Jeffrey L. Thomas and the United States was represented by Assistant U.S. Attorney Douglas R. Semisch. Through his counsel, Nickerson requested a probable cause hearing on the Petition, as amended, pursuant to Fed. R. Crim. P. 32.1(a)(1). A hearing was held forthwith. The court heard the testimony of Omaha Police Department Detective Thomas McCaslin who testified as to the investigations by OPD and the Douglas County Sheriff's Office with regard to the incidents set forth in the amended petition. I find that the Petition, as amended, alleges probable cause and Nickerson should be held to answer for a final dispositional hearing before Judge Laurie Smith Camp.

The government moved for detention. Through counsel, Nickerson requested to be released on recognizance pending his dispositional hearing. Since it is Nickerson's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Nickerson has failed to carry his burden and that Nickerson should be detained pending a dispositional hearing before Judge Smith Camp.

IT IS ORDERED:

1. A final dispositional hearing will be held before Judge Laurie Smith Camp in Courtroom No. 2, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 8:30 a.m. on August 3, 2011.** Defendant must be present in person.

2. Defendant Glenn Nickerson, Jr., is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 5th day of July, 2011.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge